

COUNTY OF KAUAI  
Minutes of Meeting  
**OPEN SESSION**

Board/Committee:		Kaua‘i Police Commission	Meeting Date	June 30, 2017	
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:00 a.m.		End of Meeting: 11:57 a.m.
Present	Chair Mary K. Hertog; Vice-Chair Gerald (Chip) Bahouth; Members: Kevin Mince and Donald (Moki) Okami Sr. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Paula Morikami; Deputy County Attorney Peter Morimoto; Police Department: Chief of Police Darryl Perry; Deputy Chief Michael Contrades; Assistant Chiefs Roy Asher and Robert Gausephol; Office of Professional Standards Lieutenant James Miller; Lieutenant Kenneth Cummings; Acting Lieutenant Shane Sokei; Officer Michael Buratti and SANE Nurse Jennifer Antony.				
Excused	Commissioners Catherine Adams, Savita Agarwal and Roy Morita				
Absent					
SUBJECT ITEMS		DISCUSSION		ACTION	
Call To Order				Chair Hertog called the meeting to order at 9:00 a.m. with four members present constituting a quorum. She noted that Commissioners Adams, Agarwal and Morita have excused absences.	
Approval of Minutes		Special Open Session Meeting Minutes of May 19, 2017 Regular Open Session Meeting Minutes of May 26, 2017		Mr. Mince moved to approve the meeting minutes of May 19, 2017 and May 26, 2017. Mr. Okami seconded the motion. The motion carried 4:0.	
Chair’s Comments		None.			
Officer of the Month/Employee Recognition		Reading the write-up for Officer Michael Buratti was Acting Lieutenant Shane Sokei.  On March 27, 2017 around 10:46 p.m., Officer Buratti responded to a report of a traffic collision on Kūhiō Highway involving a car and a pick-up truck. Upon his arrival to the accident scene, Officer Buratti observed that the pick-up truck was			

SUBJECT ITEMS	DISCUSSION	ACTION
	<p>unoccupied and he could hear a disturbance coming from the sidewalk fronting the Street Burger Restaurant. As he was making his way towards the restaurant, he saw a man run south along Kūhiō Highway, which he learned, from the people at the restaurant, the man that was running away came from the truck. Officer Buratti immediately gave chase and was able to catch-up with the man when he unsuccessfully tried to jump a chain fence. After a brief struggle, Officer Buratti was able to gain control of the man and, with the assistance of Officer Shawn Hanna, placed the man in handcuffs. During the course of the investigation, the man was positively identified as the person who stole the truck and the same person who collided into the victim’s vehicle, killing the driver. If it wasn’t for Officer Buratti’s keen sense of observation and quick action, identifying the man would have taken longer or not at all.</p> <p>Reading the write-up for Sexual Assault Nurse Examiner (SANE) Jennifer Antony was Investigative Services Bureau’s Lieutenant Kenneth Cummings.</p> <p>Ms. Antony was commended for her hard work in conducting a hands-on inventory on all of the department’s 209 SANE kits from 2001 to June 2016. This was a monumental undertaking that took numerous man hours over a course of a few months to complete and because of Ms. Antony’s relentless efforts, the department is now on track and will be submitting more kits for testing.</p> <p>Chief Perry presented Officer Buratti and Ms. Antony with a framed certificate and a special departmental coin for their hard work, dedication to duty and service to the community. Special mention went to KPD’s Crime Specialist Stephanie Regan and Evidence Custodian Crystal Nebre for assisting Ms. Antony.</p>	
<b>Chief’s Monthly Reports</b>	<ol style="list-style-type: none"> <li>1. Administrative and Technical Bureau</li> <li>2. Investigative Services Bureau</li> <li>3. Patrol Services Bureau</li> <li>4. Chief’s Announcements and Pertinent Updates</li> </ol>	

SUBJECT ITEMS	DISCUSSION	ACTION
	<p>At the request of Chief Perry, Lt. Cummings provided the Commissioners with an overview on the Hawai'i Sexual Assault Kit Initiative (SAKI) and the process of determining the status of the kits which can take up to 8 months to complete. He shared that there are thousands of sexual assault evidence kits in the police departments across the United States (including Hawai'i) that have not been tested for DNA, often for years. And now, due to the availability of funding, there is a movement nationwide towards testing of more kits.</p> <p>Project Malama Kakou was created as a result of Act 207 (2016) which brought together a multidisciplinary team made up of victim service providers, personnel from the different police departments, crime lab personnel and prosecutors to comprehensively resolve the issue in Hawai'i in a caring victim-centered manner. In 2016, the State of Hawai'i Department of the Attorney General applied for a Sexual Assault Kit Initiative (SAKI) grant from the U.S. Department of Justice Bureau of Justice Assistance and was awarded a 3-year, \$2 million grant to help the county police departments across the State eliminate the backlog of sexual assault kits.</p> <p>Lt. Cummings stated that in May 2017, KPD submitted 50 sexual assault kits for testing which has dropped the count down to 85. Next month KPD is scheduled to submit another 46 sexual assault kits which will drop the count down even lower. The 39 remaining kits will be submitted in September during the next rotation. For more information, go to the Project Malama Kakou website <a href="http://ag.hawaii.gov/hisaki/">http://ag.hawaii.gov/hisaki/</a>.</p> <p>Additionally, Chief Perry asked Captain Mark Ozaki to provide a brief overview of the Citizens Police Academy. Captain Ozaki explained that the academy is an interactive program designed to educate the public about KPD's policies and criminal justice system. There are fourteen participants in the class and they range from age 21 to retirement; all of which had to submit to a background check to qualify. The program calls for them to meet once a week for three to four hours, on</p>	

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	<p>a week night or on a Saturday, for 13 weeks. Although most of the sessions are held at the Līhu‘e Headquarters, those participating will be given an opportunity to do a police ride-along and visit the Kīpū Pistol Range. The graduation ceremony is scheduled for August 24, 2017. For information about the program, contact Lt. Rod Green at 241-1907 or to apply, go to the County’s website at <a href="http://www.kauai.gov">www.kauai.gov</a>.</p> <p>Chief Perry made the following announcements:</p> <ul style="list-style-type: none"> <li>• At 3 p.m. on July 20, 2017, KPD will be holding its 88<sup>th</sup> Police Recruit Graduation ceremony. Chair Hertog is scheduled to be one of the guest speakers at the event.</li> <li>• KPD’s command staff attended a Teamwork Island Style leadership workshop.</li> <li>• On June 20, 2017, Chief Perry took part of a panel discussion on medical marijuana.</li> <li>• Chief Perry will be looking into having his command staff join the Kaua‘i Toastmasters Club to help them become strong speakers and confident leaders.</li> </ul>	
<b>KPC 2017-07</b>	<p><u>Quarterly update on the 2017 Kaua‘i Police Department Goals and Commission Goals.</u></p> <p>Mr. Mince asked, because the goals coincide with the Commission’s new six-month evaluation performance policy for the Chief of Police, is the Commission going to implement the new policy this year to which Chair Hertog replied yes, but the issue will be discussed later. With no further discussion or questions, Chair Hertog called for a motion to receive the Chief’s quarterly report on the goals.</p>	<p>Mr. Okami moved to receive the Chief’s quarterly update on the 2017 Kaua‘i Police Department’s and Commission’s Goals.</p> <p>Mr. Mince seconded the motion. The motion carried 4:0.</p>
<b>KPC 2017-08</b>	<p><u>Discussion on feedback that was received during the Police Commissioners roundtable relating to creative financing for the recovery of costs for services provided by the Police Department. (On-going)</u></p>	

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	<p>Mr. Mince stated, because the idea has failed to gain traction and there didn’t seem to be any political will to push the idea forward, he would be the first one to make a motion to end the discussion indefinitely. But first, for the record, he would like to provide insight as to its intent which was to recover costs for services relating to DUI arrests, DUI investigations, DUI accidents, booking fees for prisoners, and to try to obtain a percentage of all traffic fines. The money collected from these services would be used to pay for police officer training. He stated presentations were made to the Mayor, County Council and the Police Commissions from across the State at the recent Police Commissioners’ Conference, as well as Senator Will Espero who was willing to carry legislation forward if the Police Commission could get it to his desk.</p> <p>Mr. Mince stated he believes there are going to be some unintended consequences simply because the well is going dry and according to Council Chair Mel Rapozo, there isn’t going to be any money left countywide and the County doesn’t know where it’s going to get more money other than to tax the local residents. He added that although he is not questioning the well-deserved SHOPO raises, without additional funding, the Police Department and the Police Commission will be faced with making some tough choices which could result in programs being cut and possible layoffs.</p> <p>With no further discussion, Chair Hertog called for a second to Mr. Mince’s motion.</p>	<p>Mr. Mince moved to close the discussion on item KPC 2017-08 indefinitely. Vice Chair Bahouth seconded the motion. The motion carried 4:0.</p>
<b>Announcements</b>	Next regular monthly meeting – 9:00 a.m. on Friday, July 28, 2017 at the Mo’ikeha Building, Meeting Room 2A/2B. Executive Session to follow.	
<b>Executive Session</b>	Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to review and discuss charges brought against an officer or employee of the County, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission’s and the County’s powers, duties,	At 9:47 a.m. Vice Chair Bahouth cited the following Hawai‘i Revised Statutes to bring the meeting into Executive Session.

SUBJECT ITEMS	DISCUSSION	ACTION
	privileges, immunities, and/or liabilities as they may relate to the following agenda items:	
<b>ES KPC 2017-005</b>	<u>Chief Perry's monthly update on the status of the Department's disposition on formal notarized complaints that were filed with the Police Commission and forwarded to the Office of the Chief for further review. (On-going)</u>	
<b>ES KPC 2017-006</b>	<u>Briefing by Chief of Police Darryl Perry on any significant adverse incidents/events involving KPD personnel that could potentially impact the County, Commission and the Kaua'i Police Department. (On-going)</u>	
<b>ES KPC 2017-014</b>	<u>Pursuant to Hawai'i Revised Statutes §92-4 and §92-4 (a) and (4), the purpose of this Executive Session is to discuss the County of Kaua'i Grievances and Complaints Policy for Department Heads that can be removed by the County Boards and Commissions. This consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Kaua'i Police Commission as they may relate to this agenda item. (On-going)</u>	
<b>ES KPC 2017-016</b>	<u>Notarized Complaint KPC 2017-003 received on April 21, 2017. The complaint alleges unethical use of county resources to participate in a private funeral motorcade. (On-going)</u> <u>(a) Communication dated June 19, 2017 from Board of Ethics Vice-Chair Michael Curtis to Chair Mary K. Hertog, writing in response to notarized complaint KPC 2017-003.</u>	
<b>ES KPC 2017-019</b>	<u>New notarized complaint filed on May 25, 2017, against an officer of the County. The complaint alleges that certain people in the Kaua'i Police Department are abusing their authority and taxpayer resources to pursue their own personal agenda.</u>	
<b>ES KPC 2017-020</b>	<u>Two communications dated May 17, 2017 from Chief of Police Darryl Perry to Chair Mary K. Hertog and members of the Police Commission regarding, the Department's final disposition for notarized complaints KPC 2016-007 also known as KPD ADM 2016-0239 and KPC 2016-011 also known as KPD ADM 2016-0309.</u>	

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<b>ES KPC 2017-021</b>	<p>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), <u>the purpose of this Executive Session is for the Commission to approve the Special Executive Session meeting minutes of May 19, 2017, and Regular Executive Session meeting minutes of May 26, 2017, and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.</u></p> <p>Chair Hertog called for a motion to take the meeting into Executive Session.</p>	<p>Mr. Mince moved to take the meeting into Executive Session. Vice Chair Bahouth seconded the motion. The motion carried 4:0.</p> <p>At 9:52 a.m. the Commissioners entered into Executive Session.</p>
<b>Return to Open Session to Ratify the actions taken in Executive Session</b>	<p>At 11:56 a.m. the Commissioners reconvened in Open Session. Chair Hertog called for a motion to ratify the actions taken in Executive Session.</p>	<p>Mr. Okami moved to ratify the actions taken in Executive Session for the following items:</p> <p><b>ES KPC 2017-005:</b> Motion carried 4:0 to accept the monthly report on the status/disposition on notarized complaints that were filed with the Police Commission.</p> <p><b>ES KPC 2017-006:</b> The Commissioners received a verbal report from Chief Perry.</p> <p><b>ES KPC 2017-014:</b> The Commissioners received a briefing by County Attorney Mauna Kea Trask. (On-going)</p>

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		<p><b>ES KPC 2017-016:</b> <u>Motion No. 1</u> Motion carried 4:0 to accept the findings dated June 19, 2017 from the Board of Ethics.</p> <p><u>Motion No. 2 Failed</u> The motion failed by a vote 3:1 to refer the matter to the Chief.</p> <p><u>Motion No. 3</u> Motion carried 4:0 to draft a letter to the Mayor.</p> <p><u>Motion No. 4</u> Motion carried 4:0 to defer the matter to the Commission’s next meeting in July for continued discussion.</p> <p><b>ES KPC 2017-019:</b> Motion no. 1 carried 4:0 to receive notarized complaint KPC 2017-004, that was filed on May 25, 2017.</p> <p>Motion no. 2 carried 4:0 to refer notarized complaint KPC 2017-004, that was filed on May 25, 2017 to the Office of the Chief for further review and investigation.</p>



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		<p><b>ES KPC 2017-020:</b> Motion carried 4:0 to receive the two communications dated May 17, 2017 from Chief Perry to Chair Hertog.</p> <p><b>ES KPC 2017-021:</b> Motion carried 4:0 to approve the Executive Meeting Minutes of May 19 and May 26, 2017.</p>
<b>Adjournment</b>	With no further business to conduct, Chair Hertog called for a motion to adjourn the meeting.	Mr. Okami moved to adjourn the meeting. Vice Chair Bahouth seconded the motion. The motion carried 4:0. At 11:57 a.m. the meeting adjourned.

Submitted by: \_\_\_\_\_  
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
Mary K. Hertog, Chair

- (x) Approved as circulated on July 28, 2017  
( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.